

## ARTICLE 25-02

### PRACTICE OF FUNERAL SERVICE AND LICENSURE OF FUNERAL PRACTITIONERS

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#### CHAPTER 25-02-01 PRACTICE OF FUNERAL SERVICE

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**25-02-01-01. Definitions.** The terms in this title have the same meaning as in North Dakota Century Code section 43-10-01 unless the context or subject matter otherwise requires, except:

1. "Assistant" means a nonprofessional providing assistance to a funeral practitioner under the direct and immediate supervision of the funeral director. Assistance provided by an assistant may not require the exercise of professional judgment or training.
2. "Branch facility" means a facility which is affiliated with a funeral service establishment and is equipped for the preparation and embalming of dead human bodies.
3. "Funeral chapel" means a facility that is affiliated with a funeral service establishment and used for mourning or funeral ceremony purposes but not preparation of a dead human body for final disposition.

**History:** Amended effective April 1, 1979; May 1, 1993; May 1, 1998.

**General Authority:** NDCC 43-10-05

**Law Implemented:** NDCC 43-10-05

**25-02-01-02. Waste disposal.** All funeral directors shall contact either prime health care facilities in their area or waste disposition companies established to handle wastes to arrange suitable disposition. Every preparation room shall be

provided with proper and convenient receptacles for refuse. Waste material shall be packaged in a plastic or nonporous bag and sealed at the conclusion of each case and the public health thereby maintained.

**History:** Amended effective July 1, 1983; May 1, 1993; May 1, 1998.

**General Authority:** NDCC 43-10-05, 43-10-06

**Law Implemented:** NDCC 43-10-05, 43-10-06

**25-02-01-03. Preparation room equipment.** Every preparation room shall be equipped with a sanitary embalming table, and such table shall be provided with running water. Every plumbing fixture, receptacle, and water supply tank shall be provided with a proper air gap or other acceptable device to prevent backflow into the water supply. All plumbing shall comply with North Dakota Administrative Code article 62-03, the State Plumbing Code. Every embalming room must be equipped with an exhaust fan below tabletop height and an eyewash station with the potential for running cold water only, continuously for fifteen minutes, in an unobstructed area.

Every funeral establishment must:

1. Maintain a formaldehyde monitor report;
2. Post hazardous signs in compliance with applicable federal regulations;
3. Label storage area for chemicals or hazardous chemicals;
4. Keep a cover on any embalming machine;
5. Store and utilize a safety shield or mask, protective clothing, and rubber gloves;
6. Maintain a splash tube on a functioning hydroaspirator; and
7. Maintain material safety data sheets, training records, and Sharp's container.

**History:** Amended effective March 1, 1985; May 1, 1993; May 1, 1998.

**General Authority:** NDCC 43-10-05, 43-10-06

**Law Implemented:** NDCC 43-10-05, 43-10-06

**25-02-01-04. Instruments and appliances.** All instruments and appliances used in the embalming of a dead human body must be thoroughly cleansed and sterilized by a federally approved germicidal solution immediately at the conclusion of each individual case or autoclave, or both.

**History:** Amended effective May 1, 1993; May 1, 1998.

**General Authority:** NDCC 43-10-05, 43-10-06

**Law Implemented:** NDCC 43-10-05, 43-10-06

**25-02-01-05. Funeral establishments.** All funeral establishments shall be kept and maintained in a clean and sanitary condition and all embalming tables, hoppers, sinks, receptacles, instruments, and other appliances used in the embalming of dead human bodies shall be thoroughly cleansed and disinfected immediately at the conclusion of each individual case.

**History:** Amended effective May 1, 1993; May 1, 1998.

**General Authority:** NDCC 43-10-05, 43-10-06

**Law Implemented:** NDCC 43-10-05, 43-10-06

**25-02-01-06. Attire while embalming.** Every person, while engaged in actual embalming, shall be attired in a clean and disposable sanitary smock or gown and shall, while so engaged, wear rubber impervious gloves, disposable facial mask or safety shield, and disposable shoe covers.

**History:** Amended effective May 1, 1993; May 1, 1998.

**General Authority:** NDCC 43-10-05, 43-10-06

**Law Implemented:** NDCC 43-10-05, 43-10-06

**25-02-01-07. Serving of food and alcoholic beverages.** The serving of food or alcoholic beverages to the public in connection with or in conjunction with any part of the funeral service operation shall comply with all state and local laws and regulations.

**History:** Amended effective April 1, 2005.

**General Authority:** NDCC 43-10-05, 43-10-06

**Law Implemented:** NDCC 43-10-05, 43-10-06

**25-02-01-08. Privacy.** The care and preparation of all bodies of persons dead from any cause shall be entirely private and no one shall be allowed in the embalming room except funeral practitioners, intern embalmers, and assistants until the body is fully prepared and dressed, except by permission of the immediate family.

**History:** Amended effective May 1, 1998.

**General Authority:** NDCC 43-10-05, 43-10-06

**Law Implemented:** NDCC 43-10-05, 43-10-06

**25-02-01-09. Shipment of bodies.** Shipment of bodies shall be done in compliance with shipping regulations of the state department of health and any other applicable state or federal laws or regulations.

**History:** Amended effective July 1, 1983; May 1, 1993; May 1, 1998.

**General Authority:** NDCC 43-10-05, 43-10-06

**Law Implemented:** NDCC 43-10-05, 43-10-06

**25-02-01-10. Refusal to provide service.** A licensed practitioner may not refuse service to anyone because of a significant contagious or infectious disease.

Refusal of any licensed practitioner to provide service to anyone because of a significant contagious or infectious disease may result in disciplinary action.

**History:** Effective May 1, 1993; amended effective May 1, 1998.

**General Authority:** NDCC 43-10-05, 43-10-06, 43-10-16

**Law Implemented:** NDCC 43-10-05, 43-10-06, 43-10-16